

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL A. BAILEY,)	
Petitioner,)	C.A. No. 19-204 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Richard A. Lanzillo
COMMONWEALTH OF PA, et al.,)	
Respondents.)	

MEMORANDUM ORDER

This *pro se* action for habeas corpus relief was originally filed on July 16, 2019, by Petitioner Michael A. Bailey, an inmate formerly incarcerated at the State Correctional Institution at Houtzdale, Pennsylvania (“SCI-Houtzdale”).¹ In his habeas petition, Petitioner seeks relief under 28 U.S.C. § 2254, raising four grounds for relief: (1) a Fourth Amendment claim challenging the probable cause for his arrest; (2) a Fifth Amendment claim raising due process and *Brady* violations; (3) Sixth Amendment claims asserting that the public defender failed to challenge perjured testimony, and that Petitioner’s rights to a speedy trial and under the Confrontation Clause were violated; and (4) Eighth and Fourteenth Amendment claims of cruel and unusual punishment and equal protection violations. The petition was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On May 3, 2021, Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that the petition be dismissed, with prejudice, because Petitioner failed


¹
Petitioner is presently incarcerated at the State Correctional Institution at Albion, Pennsylvania.

to sufficiently raise his habeas claims in his appeal before the Pennsylvania Superior Court and, thus, is barred from seeking habeas review based on the doctrine of procedural default [ECF No. 45]. Timely objections to the R&R were filed by Petitioner on May 21, 2021; however, they fail to raise any cognizable grounds upon which to overturn Judge Lanzillo's recommendation.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 28th day of May, 2021,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED, with prejudice, and that a Certificate of Appealability is DENIED. The report and recommendation of Magistrate Judge Lanzillo, dated May 3, 2021 [ECF No. 45], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
United States Magistrate Judge

All parties of record